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6
7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 PAUL BIANE,

10 Plaintiff,

11 v.

12 COUNTY OF SAN BERNARDINO, a
13 municipality;
MICHAEL A. RAMOS, in his individual
14 capacity;
R.LEWIS COPE, in his individual
15 capacity;
HOLLIS "BUD" RANGLES, in his
16 individual capacity; and
ROBERT SCHREIBER, in his individual
17 capacity;

18 Defendants.

Case No. 2:18-cv-008901

COMPLAINT FOR DAMAGES

1. Malicious Prosecution
(42 U.S.C. 1983)
2. Retaliation
(42 U.S.C. 1983)
3. Fabrication Of Evidence
(42 U.S.C. 1983)
4. Monell Claim
(42 U.S.C. 1983)
5. Supervisorial Liability
(42 U.S.C. 1983)
6. Conspiracy
(42 U.S.C. 1983)

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR DAMAGES**

2 1. Plaintiff PAUL BIANE (“Plaintiff” or “Mr. Biane”), for his complaint
3 against the COUNTY OF SAN BERNARDINO (“County”); MICHAEL A.
4 RAMOS, in his individual capacity, R. LEWIS COPE, in his individual capacity;
5 HOLLIS “BUD” RANGLES, in his individual capacity; and ROBERT
6 SCHREIBER, in his individual capacity, complains and alleges as follows:

7 **INTRODUCTION**

8 2. Paul Biane was the victim of a political vendetta – a criminal
9 investigation and prosecution, lasting nearly a decade, that never should have
10 happened. As a result, Mr. Biane suffered both professionally and personally.

11 3. Motivated by personal enmity, political opportunism, and the pursuit of
12 partisan advantages, the Defendants named above aimed to use a criminal
13 investigation and prosecution to punish and humiliate Colonies Partners, L.P.
14 (“Colonies”), which had clashed with the County of San Bernardino over 72 acres of
15 land that the County had wrongfully taken for a regional flood control facility. As
16 part of an effort to portray a 2006 settlement in that controversy as “corrupt” – and
17 to boost their own careers – Defendants targeted then-County Supervisor Paul Biane
18 and others. Mr. Biane was innocent. He was acquitted of all charges in August 2017.

19 4. Mr. Biane was never “guilty” of anything other than receiving political
20 donations from his constituents, which he had every right to receive, and voting on a
21 matter of substantial public importance that came before the board. If what Mr.
22 Biane did was “corrupt,” then it would be necessary to indict every elected official
23 in the nation.

24 5. In 2002, Colonies sued the County seeking compensation for the
25 effective taking of 72 acres of land by Defendant County and the San Bernardino
26 County Flood Control District (“District”) for a regional flood control facility. Mr.
27 Biane inherited this controversy when he was elected to the San Bernardino County
28 Board of Supervisors later that year. Mr. Biane, who had the most extensive

1 background and understanding of real estate issues on the board, rightly believed
2 that the County was exposed to an extraordinary financial liability if the County did
3 not reach a settlement of the lawsuit. Nevertheless, Mr. Biane worked closely with
4 the County's legal representation to vigorously defend the lawsuit over a period of
5 years, in an effort to give the County the best chances in the litigation. On one
6 occasion, Mr. Biane voted against the settlement when he thought the form of the
7 settlement was not in the County's best interest. Ultimately, Mr. Biane voted in
8 favor of a settlement of the lawsuit in the amount of \$102 million in November
9 2006. As acknowledged by the County itself, this was a reasonable and fair
10 valuation of the settled claims – and in fact, substantially less than the County's total
11 exposure.

12 6. Before and after the settlement, Colonies made political contributions
13 to various politicians and organizations. The recipients of donations tended to be
14 pro-development, Republican, and unaffiliated with the clique of politicians who
15 were entrenched in local government. While Mr. Biane's campaigns received
16 donations from Colonies, there was never any secret "quid pro quo" connecting his
17 vote in favor of the settlement with a "bribe." Mr. Biane had every right to vote in
18 favor of or against the proposed settlement, based on whether or not he believed the
19 settlement was in the County's best interest. As an elected politician, Mr. Biane
20 filed all of the legal and appropriate disclosure documents with the County Registrar
21 of Voters and the Secretary of State for the State of California in connection with all
22 of the donations he received.

23 7. Following the settlement in the Colonies lawsuit, a faction within San
24 Bernardino politics sought to transmute the affair into a political scandal, implying
25 that the board members had somehow voted in favor of the settlement for corrupt
26 reasons. This campaign developed and manifested in several ways, chief among
27 which was a politically motivated and unfounded criminal investigation of Mr.
28 Burum, Mr. Erwin, and Colonies, which over the years expanded to include Mr.

1 Biane and Mr. Kirk. This retaliatory and unfounded vendetta ultimately resulted in
2 malicious and false felony charges being brought against Mr. Biane in the case of
3 *People of the State of California v. Paul Biane, et. al.*, case number: FSB-1102102.
4 Mr. Biane was charged with multiple felonies, including conspiracy and bribery.
5 The arrest of Mr. Biane in May 2011 was accompanied by great media fanfare,
6 which was encouraged and whipped up by Defendants.

7 8. The vindictive campaign waged by Defendants included meddling in
8 the electoral process. In December of 2010, as a result of this vendetta, Mr. Biane
9 was narrowly defeated for re-election. During the election campaign, his opponent,
10 Janice Rutherford, distributed campaign mailers that emphasized that Mr. Biane was
11 the target of an investigation. While Mr. Biane was being accused of undemocratic
12 activity, it was in fact his political enemies that were using their positions in
13 government to manipulate the outcome of elections.

14 9. Mr. Biane was forced to endure years of persecution that began
15 immediately after the settlement in 2006 and continued until 2017, when he was
16 subjected to a 10-month jury trial and acquitted. Throughout the investigation,
17 litigation, and trial, Mr. Biane was the subject of constant media coverage –
18 encouraged by Defendants – that identified him as a “corrupt” politician who had
19 accepted “bribes” – ruining his reputation. However, once the case arrived at trial, it
20 became clear that Mr. Biane was innocent of all of these accusations.

21 10. Mr. Biane did not need to call a single defense witness on his behalf
22 when the prosecution had rested its case. After only several hours of deliberation,
23 the jury returned a verdict of not guilty against Mr. Biane. Mr. Biane was
24 completely vindicated with respect to all the charges against him.

25 11. This thorough repudiation of the prosecution’s case underscores the
26 retaliatory and unjustified motives that drove this retaliatory campaign from the
27 beginning. Simply put, there was never any evidence of criminal conduct involving
28 Mr. Biane – neither before nor after the settlement. Mr. Biane was maliciously and

1 unfairly investigated, charged, and prosecuted for exercising his rights – indeed, his
2 obligations – including by casting his vote on an issue of substantial importance to
3 the community in his capacity as an elected member of the County Board of
4 Supervisors.

5 12. Members of the County Board of Supervisors should be free to vote on
6 any matter that comes before them without fear of retaliation or politically-
7 motivated criminal investigations and prosecutions.

8 13. In this manner, and as more fully described below, Defendants violated
9 Mr. Biane’s constitutional rights. Mr. Biane brings this action under 42 U.S.C. §
10 1983.

11 **JURISDICTION AND VENUE**

12 14. This case arises under 42 U.S.C. 1983. This Court has jurisdiction over
13 this action pursuant to 28 U.S.C. 1331 and 1338. Venue is proper in the Central
14 District of California under 28 U.S.C. 1391 (b) (1) (2), and because the majority of
15 the Defendants reside in this District and substantial acts and omissions giving rise
16 to Mr. Biane’s claims occurred in this District.

17 15. While Plaintiff brings the claims in this lawsuit under federal law,
18 Plaintiff did present claims pursuant to California Government Code section 810 et.
19 seq. on February 16, 2018. These claims were rejected by the County and the State
20 of California on April 6, 2018 and March 13, 2018, respectively.

21 **THE PARTIES**

22
23 16. Plaintiff Paul Biane is an individual who resides in Rancho
24 Cucamonga, in the County of San Bernardino, in the State of California.

25 17. Defendant County of San Bernardino (“County”) is a municipal
26 corporation organized and existing under the laws of the State of California.
27 Defendant County was at all relevant times mentioned herein responsible for its own
28 actions and/or omissions as well as the actions and/or omissions and the policies,

1 procedures, customs, and practices of the San Bernardino County District Attorney's
2 Office.

3 18. At all relevant times, Defendant Michael A. Ramos was the District
4 Attorney of the County of San Bernardino. In that capacity, he was the official
5 responsible for setting and enforcing the policies, customs, and the practices of the
6 District Attorney's Office. Defendant Ramos at all relevant times directed,
7 supervised, authorized, and/or ratified the actions of the office's employees, agents,
8 and officials as alleged herein.

9 19. At all relevant times, Defendant R. Lewis Cope was a Deputy District
10 Attorney for the County of San Bernardino in the District Attorney's "Public
11 Integrity Unit" and was a supervisor in that unit. Defendant Cope is employed by
12 and is an agent of Defendant County and the District Attorney's Office at all
13 relevant times herein. Defendant Cope was one of the lead prosecutors from the
14 District Attorney's Office assigned to prosecute Mr. Biane, and as such he directed
15 and participated in the retaliatory criminal investigation of Mr. Biane, including
16 directing, supervising, authorizing, and/or ratifying the actions of the Public
17 Integrity Unit's other employees, agents, and officials working on the investigation
18 and the criminal prosecution of Mr. Biane.

19 20. At all relevant times, Defendant Hollis "Bud" Randles was an
20 investigator in the San Bernardino County District Attorney's Office. Defendant
21 Randles was a lead District Attorney investigator in the criminal investigation and
22 criminal prosecution of Mr. Biane.

23 21. At all relevant times, Defendant Robert Schreiber was an investigator in
24 the San Bernardino County District Attorney's Office. Defendant Schreiber was a
25 lead District Attorney investigator in the criminal investigation and criminal
26 prosecution of Mr. Biane.

1 22. In taking the actions alleged herein, the Defendants acted under color
2 of law, and the Defendants conspired with each other and others to engage in the
3 actions described below.

4 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

5 23. Prior to being elected to public office, Mr. Biane had a successful 25-
6 year commercial real estate career. Subsequently, he sat on the Rancho Cucamonga
7 City Council for 10 years. In November of 2002, he was elected to the County
8 Board of Supervisors, and took office in early December. Prior to his election, a
9 significant controversy had developed between Colonies and the County, and the
10 parties to this controversy were in the midst of civil litigation.

11 24. In 1997, Colonies had purchased 434 acres of land in Upland,
12 California for development. The County and other entities built the 210 Freeway
13 extension through Colonies' property. Accordingly, the County needed a large area
14 in which to contain the substantial water runoff caused by 210 Freeway. The County
15 and the District had attempted to force Colonies to build the flood control facility
16 itself, on Colonies' own land, and at Colonies' expense, rather than exercising the
17 County's power of eminent domain over Colonies' land.

18 25. The existing flood control facilities were inadequate to contain up to 80
19 million gallons of water per hour that could be flooding onto the property. Colonies
20 offered to give the County and the District the necessary acreage if the County and
21 the District would pay for the construction of a basin that would control the new
22 storm waters. The County and the District refused.

23 26. The County and the District had taken the position that limited
24 easements from the 1930's allowed them to redirect the massive volume of flood
25 waters created by the construction of the freeway project onto the land of Colonies,
26 and that Colonies was obligated to pay for the required flood control facilities.

27 27. Colonies filed a quiet title action in March of 2002 regarding the
28 controversy, which was prior to Mr. Biane taking office. The trial took place in 2003

1 in San Bernardino Superior Court. The trial went against the County. San
2 Bernardino County Superior Court Judge Peter Norell ruled the County and the
3 District did not have the right to dump the flood water onto the land of Colonies
4 without paying fair compensation. The County and the District appealed the
5 decision of Judge Norell, and 3 years later, a second trial was held before the
6 Honorable Christopher Warner in San Bernardino Superior Court.

7 28. Years of protracted and costly litigation generated a great deal of
8 bitterness and hostility, not only between sections of the County and Colonies, but
9 also internally within the County administration, where factions formed that were
10 for or against a settlement of the dispute. The position of Mr. Biane was no secret:
11 he believed that the County was in the wrong when it took Colonies' land without
12 just compensation, and that the County should aim for a reasonable settlement. For
13 his political rivals, particularly those within the Office of County Counsel who were
14 afraid a settlement reflect negatively on their performance – for exposing the County
15 to millions of dollars in liability – this was tantamount to treason. At the same time,
16 notwithstanding these internal controversies, Mr. Biane worked hard to make sure
17 that the County was effectively represented in the litigation.

18 29. On July 31, 2006, while Mr. Biane was serving on the board, Judge
19 Warner issued a statement of intended decision after 6 weeks of trial. Judge Warner
20 found, inter alia, that: (1) The County and the District's easements did not justify the
21 necessary flood control facilities, and that the County and the District did not have
22 the right to dump any water onto the land of Colonies; (2) That the County and the
23 District had engaged in "deceit" and that they had played "hide the ball" and that
24 they tried to "coerce" Colonies into giving up its rights with regard to its land; (3)
25 That Colonies had taken "every reasonable action to protect the public" even in the
26 face of the County and the District's "deceit and misinformation"; (4) That the
27 County and the District had essentially held Colonies' development "hostage" in
28 order to get free flood control construction and had "unreasonably and unjustifiably

1 interfered with Colonies business”; and (5) That the County and the District had
2 “turned on” the 20th Street Storm Drain in 2002 “without providing for any viable
3 flood-control facilities on [Colonies] property and without ensuring public safety
4 from the flooding hazard.”

5 30. Judge Warner found that the testimony of witnesses for Colonies was
6 more credible than the testimony of County and District witnesses, including Mr.
7 Ken Miller and Mr. Patrick Mead, who were both Directors for the District. Judge
8 Warner’s intended rulings constituted a very sharp blow and a profound
9 embarrassment to the County and to the District.

10 31. The statement of intended decision by Judge Warner, which was
11 reported to Mr. Biane in his capacity as a member of the board, was a critical
12 moment in the legal dispute between Colonies and the County and District. Indeed,
13 Mr. Mitchell Norton, a Deputy County Counsel for the County of San Bernardino,
14 subsequently told investigators that Judge Warner’s intended decision was
15 “Armageddon” for the County and for the District. Mr. Norton believed that the
16 County and the District would be facing around \$300 million dollars in damages in
17 an inverse condemnation action that had been stayed pending the resolution of the
18 quiet title action if the decision of Judge Warner became final. Significantly, Judge
19 Warner would also have found bad faith by the County and the District, and that
20 finding would have undermined the attempts of the County and the District to obtain
21 indemnification from other government agencies who were involved in the
22 construction of the 210 Freeway.

23 32. The intended decision by Judge Warner vindicated the position that Mr.
24 Biane had previously taken in favor of settlement. He believed that the controversy
25 – and the positions that the County had been taking prior to his election – had
26 exposed the taxpayers of the County of San Bernardino to a large financial risk.

1 33. Mr. Biane exercised his lawful rights as a citizen and member of the
2 board to advocate a settlement of the dispute that he believed would be in the best
3 interest of the County and its taxpayers.

4 34. Mr. Biane had an extensive background in commercial real estate, and
5 perhaps more than any other member of the board appreciated the issues involved
6 and the County's potential exposure. Mr. Biane had won election in 2002 based in
7 part on a pro-development constituency and his commitment to pro-development
8 policies. Mr. Biane advocated in favor of settlement in the press, implicitly
9 criticizing the County's past actions, and angering factions within the County.

10 35. On November 28, 2006, Mr. Biane voted in favor of a settlement of the
11 Colonies lawsuit for the sum of \$102 million, in hopes of ending the contentious and
12 public legal dispute. The vote was 3-2 in favor of the settlement. Supervisors Paul
13 Biane, Gary Ovitt, and Bill Postmus voted in favor of settling the lawsuit;
14 Supervisors Josie Gonzales and Dennis Hansberger voted against settling the
15 lawsuit. Supervisor Josie Gonzales had consistently been in favor of settling the
16 lawsuit. However, she changed her vote and voted against settling the lawsuit.

17 36. Mr. Biane had every right to vote in favor of – or against – the
18 settlement, based on whether he believed the settlement was or was not in the
19 County's best interest. Indeed, this was his duty and responsibility as a member of
20 the board. In addition, Mr. Biane believed that entering into the settlement put in the
21 County in the best position to seek indemnification for the settlement amount from
22 other entities, including the San Bernardino Association of Governments
23 (SANBAG) and CalTrans.

24 37. Mr. Biane had received campaign donations from Colonies in the past,
25 together with donations from many other constituents. This information was duly
26 reported as required by law and was publicly available. No statute or rule required
27 him to recuse himself from the vote on the Colonies settlement or otherwise
28 prohibited him from casting his vote.

1
2 38. The settlement in the Colonies lawsuit did not end the bitter political
3 feuds raging internally in the County administration. Instead, the settlement only
4 escalated the ferocious factional warfare raging in San Bernardino. The opponents
5 of the settlement sought to whip the settlement into a political scandal, implying that
6 the board members had somehow voted in favor of the settlement for corrupt
7 reasons. Many individuals were stung and incensed by the intended decision by
8 Judge Warner, especially the County Counsel's office and the County Flood Control
9 District staff. In particular, Mr. Biane's factional opponents were anxious to cover
10 up their own role in subjecting the County to such massive liability.

11 39. The fact that the County declared its intention of seeking
12 indemnification from other entities was a source of additional bitterness and
13 animosity.

14 40. As part of an attempt to generate a scandal for political advantage, the
15 Defendants launched a criminal investigation of Colonies.

16 41. In the course of the criminal investigation, Defendants recruited Matt
17 Brown, Mr. Biane's chief of staff, to act as an informant. Matt Brown was instructed
18 to record his conversations with Mr. Biane, to access Mr. Biane's office and
19 documents, and to report on Mr. Biane.

20 42. Upon information and belief, Defendants secured Matt Brown's
21 participation in this scheme by means of intimidation, threats, and manipulation.
22 Upon information and belief, information that was provided to Defendants by Matt
23 Brown was leaked by Defendants or their agents to the press, with the goal of
24 destroying Mr. Biane's political career and ensuring the electoral success of his
25 rival. Upon information and belief, Matt Brown was used by Defendants to access to
26 Mr. Biane's confidential and privileged information, with respect to which
27 Defendants would never have been able to obtain lawful authority to conduct a
28 search.

1 43. Despite functioning as an informant for up to a year, Mr. Brown never
2 learned or communicated to Defendants any information that would incriminate Mr.
3 Biane. Indeed, the recordings and reports by Mr. Brown were so highly exculpatory
4 that Defendants sought to suppress them at trial.

5 44. In 2010, Defendant Ramos and then California Attorney General Jerry
6 Brown held a joint press conference to announce the first round of indictments. Mr.
7 Biane was not included in the first round of indictments, evidencing that as even as
8 late as the year 2010, the investigation with respect to Mr. Biane was still in its
9 investigatory, fact-gathering phase. In other words, the 2010 press conference
10 occurred prior to the existence of probable cause as to Mr. Biane.

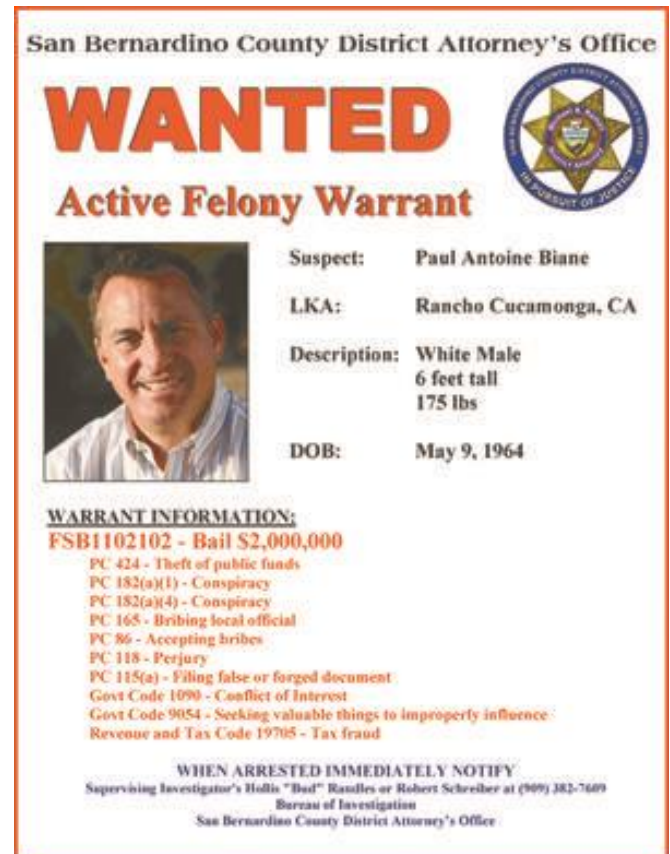
11 45. Mr. Biane was not identified by name in the 2010 press conference, but
12 there were prominent references to “unnamed and uncharged co-conspirators” who
13 included “one member of the Board of Supervisors.” In other words, while there
14 were not sufficient grounds to arrest Mr. Biane at that time, he was nevertheless the
15 subject of insinuations and accusations in the press by Defendants. Fielding
16 questions from reporters about the “unnamed” persons, Defendant Ramos went out
17 of his way to disparage Mr. Biane:

18 We also know there were two other supervisors that voted for it.
19 I’m not going to talk about who, I’m sure once you read -- again, be
20 patient. When you get these -- this complaint and the overt acts, you
21 will be able to read and you’ll see who voted, who did what, and who
22 the John Does were. I mean, it’s -- part of it is, we followed the
23 Attorney General's advice and the Federal Rules of Court in not naming
24 names for those that were uncharged. But, I think it’s fairly obvious,
25 when you read through the overt acts, who we're talking about.

26 Ramos stated: “I’m here to tell you, I was elected by these citizens to finish
27 the job of this corrupt – and these corrupt individuals (sic),” referring to Mr. Biane.

28 46. Ramos, perhaps protesting too much, emphatically insisted that the
prosecution was not politically motivated: “there’s no political, there’s nothing
political involved, it’s all about people who are committing crimes, and wanting to
hold these people responsible (sic).”

47. In other words, before Mr. Biane (who after all enjoyed at all times the presumption of innocence) had even been arrested or charged with any crime, and prior to the existence of probable cause as to Mr. Biane, Defendant Ramos went before the TV cameras to proclaim that Mr. Biane was one of a number of “people who are committing crimes.” These unfounded accusations and public remarks were designed to and did result in substantial damage to Mr. Biane’s reputation as a public figure.



48. Defendant Ramos held another press conference in 2011 to announce the indictment of additional defendants, including Mr. Biane. During this conference, he stated: “I will also note for the record this morning that Paul Biane we consider to be a fugitive at this time.” A “wanted” flyer was issued featuring a sheriff’s badge and Mr. Biane’s picture together with the words “WANTED” and “Active Felony Warrant” in large red type. In response to a reporter’s question, Defendant Ramos claimed that there was a “team out looking” for Mr. Biane.

49. At the time of the 2011 press conference, Mr. Biane was on a business trip to Arizona. He promptly traveled back to California to turn himself in. He was never a “fugitive.” The “wanted” poster and “fugitive” description were gratuitous and unnecessary, further underscoring the vindictive effort to destroy Mr. Biane’s name and reputation. There was never any indication that Mr. Biane intended to flee or evade arrest. Defendant Ramos also told reporters that bail was fixed at \$2

1 million for Mr. Biane. Reporters were provided with “packets” of information
2 detailing the accusations.

3 50. At the time of the press conference, the Defendants had been informed
4 by Mr. Biane’s counsel where he was and that he had made arrangements to travel
5 back to California as soon as possible, further underscoring the gratuitous and
6 unnecessary character of the “wanted” flyer. Upon information and belief, the
7 Defendants then informed the press of where and when Mr. Biane’s plane would
8 land, to ensure that numerous television channels were present at the airport to film
9 his arrival. Defendants’ actions were calculated to generate a sensational (and
10 fictitious) story concerning Mr. Biane in the press.

11 51. When Mr. Biane landed, he was subjected to an outrageous ordeal, with
12 television cameras arrayed to film his arrest at the airport. This “perp walk,”
13 facilitated and encouraged by Defendants, was designed to destroy Mr. Biane’s
14 reputation, humiliate him in front of the broadest possible audience, and undermine
15 his right to a fair trial.

16 52. During the 2011 press conference, Defendant Ramos referred to the
17 prosecution team as “Team Justice.” Defendant Ramos named Defendant Cope,
18 Defendant Randles, Defendant Schreiber, and others as members of “Team Justice.”

19 53. At the 2011 press conference, Defendant Ramos praised himself and
20 his own role in the investigation, touting “determination, courage,” and “committed
21 resources by this office and our state and federal partners” for the success of the
22 investigation. The press conference then developed into a sort of campaign speech
23 by Defendant Ramos, in which he boasted: “I said to the citizens in 2003 . . . that we
24 are not going to tolerate corruption in San Bernardino County. When we raise our
25 right hand to take our solemn oath, that’s what we mean. We are going to do what’s
26 right for the citizens. We are going to abide by the state constitution, by the federal
27 constitution. And it always hits me strong at the end, when we talk about that, that
28 we will do our job to the best of our ability . . . These individuals have violated that

1 trust of the citizens of this County.” He continued: “We will not tolerate corruption.
2 We will put an end to corruption in San Bernardino County.” He went on to state:
3 “This is a historical day. . . . We are not going to back down. I’ve made that
4 commitment before. We are going to continue going forward with our
5 investigation.” He promised the “taxpayers” of San Bernardino County that he
6 would recover the \$102 million that was “stolen” by the individuals being arrested.

7 54. Mr. Biane, as the jury in his criminal case would later affirm, was
8 innocent of all of these hyperbolic and inflammatory accusations. Mr. Biane had
9 done nothing that would constitute failure to “abide by the state constitution” or “by
10 the federal constitution.” He had not violated any “solemn oath” that he had sworn.
11 He did not “violate the trust” of the community. This was a gratuitous public attack
12 by Defendant Ramos that was designed to destroy the reputations and careers of Mr.
13 Biane and others.

14 55. The primary targets of the Defendants’ campaign were Colonies, Mr.
15 Burum, and Mr. Erwin. In order to reach these targets, Defendants determined that
16 they would have to establish that the votes in favor of the settlement were somehow
17 “corrupt.” Accordingly, Defendants set out to establish that lawful political
18 contributions that had been made subsequent to the settlement were “payoffs” or
19 “bribes.” In the end, Mr. Biane believes that he was “collateral damage” in this
20 campaign, since in his case there was zero evidence of any such thing.

21 56. To develop a pretext for the criminal investigation of Mr. Biane, the
22 Defendants seized upon a contribution that was not actually made to Mr. Biane and
23 did not benefit Mr. Biane in any way. The accusations against Mr. Biane were based
24 upon a contribution of \$100,000 that was in fact initiated by Dan Richards, a
25 Colonies co-managing member, to the San Bernardino County Young Republicans,
26 which was led at the time by Matt Brown and Tim Johnson. This donation was made
27 in 2007, the year following the settlement. Defendants claimed that Mr. Biane was
28 connected to this donation by reason of the fact that Matt Brown was his chief of

1 staff and Tim Johnson was his field representative. However, neither Mr. Richards,
2 Mr. Brown, nor Mr. Johnson were ever indicted. In other words, none of the parties
3 to this allegedly criminal transaction were targeted. The Defendants never had any
4 evidence or reason to believe that Mr. Biane engaged in wrongful conduct of any
5 kind. Nor was there any evidence that at the time of the vote, Mr. Biane had any
6 reason to expect that such a donation would be made.

7 57. Further, the accusations that the settlement was somehow “corrupt”
8 were made immediately after the vote. In other words, Defendants had decided to
9 launch their retaliatory campaign *prior to* the donation to the San Bernardino
10 County Young Republicans that eventually constituted the alleged foundation for
11 the accusations against Mr. Biane.

12 58. The Defendants knew, and chose to ignore, (1) the fact that the
13 contribution to the San Bernardino County Young Republicans was lawful, (2) and
14 there was never any evidence of a secret “quid quo pro” connecting this donation
15 with Mr. Biane.

16 59. Throughout the investigation, and from the start, Defendants were
17 motivated by political enmity and political opportunism. It is especially significant
18 that Mr. Biane and Defendant Ramos were potential adversaries in an upcoming
19 congressional race. By pressing ahead with the criminal prosecution of Mr. Biane,
20 Defendant Ramos used the powers of his office to remove a rival who was in the
21 way of his political ambitions.

22 60. As early as 2006, board member Bill Postmus developed an addiction
23 to methamphetamine, which developed into a public scandal. Defendants sought to
24 leverage Mr. Postmus’ condition and the scandal surrounding it for the purposes of
25 the campaign against Colonies and the settlement. In return for overlooking any
26 criminal prosecution he might face in connection with this drug habit and other
27 misconduct – including alleged abuses of his authority in the County Assessor’s
28 office – Defendants tried to coerce Mr. Postmus into stating that the board members

1 who voted in favor of the settlement had received bribes. As a result, Mr. Postmus
2 was pressured to make many highly dubious and disputed statements to
3 investigators in connection with other targets of the investigation. But it is
4 noteworthy that Mr. Postmus never provided any evidence that would incriminate
5 Mr. Biane, who was completely innocent. Defendant Cope, together with
6 Defendants Randles and Schreiber, directly oversaw the conduct of Mr. Postmus's
7 interviews. In order to help boost the credibility of Mr. Postmus, Defendants were
8 downplayed and cover up his addiction and alleged abuses of authority. This
9 conduct occurred while the investigation was still in its early stages, and before Mr.
10 Biane was a plausible target.

11 61. Another motivating factor was Defendant Ramos's personal animosity
12 towards the targets of the criminal investigation. Specifically, Mr. Erwin had made a
13 public allegation on his blog that Defendant Ramos had carried on an extramarital
14 affair. Mr. Erwin had also suggested on his blog that Defendant Ramos had engaged
15 in illicit romantic relationships at City-County Conferences. Mr. Ramos, upon
16 information and belief, was infuriated by these allegations, and desired to retaliate
17 against Mr. Erwin.

18 62. In terms of the history of antagonism between the parties, there was
19 also an occasion where Defendant Ramos had engaged in sexually harassing
20 behavior towards three members of Mr. Biane's staff. Defendant Ramos was
21 outraged when Mr. Biane reported this misconduct to County authorities, who
22 investigated. For this and other reasons, Defendant Ramos bore a personal grudge
23 against Mr. Biane.

24 63. The Defendants unfairly and maliciously targeted Mr. Biane for these
25 reasons, using his vote in favor of the Colonies settlement as a pretext, and because
26 he happened to be in the path of the vendetta against Colonies and its affiliates.

27 64. The Defendants conducted a criminal investigation of Mr. Biane to
28 secure political advantages and to settle private scores. By targeting Colonies, they

1 were eliminating a source of campaign funds for their rivals. They also sought to
2 distract attention from the County's actual misbehavior toward the Colonies, which
3 had been revealed in the litigation before Judge Warner, and which Mr. Biane had
4 sought to redress by settling the matter.

5 65. The malicious character of the criminal investigation was further
6 underscored by the positions taken by the County itself in other litigation, in which
7 the County sought indemnification and other relief from other entities. In other
8 words, while the Defendants conducted an investigation of Mr. Biane and others for
9 "stealing" the settlement funds, the County was simultaneously taking the position
10 in other litigation that the settlement was reasonable.

11 66. In a separate lawsuit, taxpayer groups sought to challenge and
12 invalidate the Colonies settlement. This lawsuit ended in dismissal, a decision
13 upheld by the Court of Appeal. No court has ever held that the settlement is not
14 valid and enforceable.

15 67. The Defendants, during the course of the criminal investigation, chose
16 to ignore the absence of any evidence that would incriminate Mr. Biane, together
17 with a great deal of exculpatory information.

18 68. During the entire course of the criminal investigation and prosecution,
19 no witness ever testified or stated that the donation to the San Bernardino County
20 Young Republicans was made as part of a "quid pro quo" in return for Mr. Biane's
21 vote on the settlement.

22 69. The evidence that the Defendants tried to use to incriminate Mr. Biane
23 and others – insofar as it may be called "evidence" at all – consisted of material that
24 any reasonable investigator or prosecutor would have known was false and lacked
25 credibility, in part because the investigators themselves had created the "evidence"
26 in the form of dubious statements they had coerced from Mr. Postmus.

27 70. For example, Defendants purported to rely on the testimony of Josie
28 Gonzales. Ms. Gonzales was at all relevant times, and currently still is, a member of

1 the Board of Supervisors for the County of San Bernardino. Ms. Gonzales had over
2 a long period been in favor of settling the Colonies lawsuit, and she had agreed to
3 the \$102-million dollar settlement during the mediation proceedings before the final
4 settlement was reached in November of 2006. Ms. Gonzales switched her vote and
5 voted against the \$102-million dollar settlement in November of 2006.

6 71. Ms. Gonzales testified at the criminal trial that Mr. Burum had
7 pressured her to vote for the settlement while both she and Mr. Burum were in
8 China at a particular point in time. Unfortunately for the Defendants, Mr. Burum
9 was not in the country of China at the time that Ms. Gonzales testified under oath
10 that he was there. The Defendants presented this false testimony to the grand jury.
11 Defendants ignored plainly exculpatory evidence, to wit, that Mr. Burum's United
12 States Passport showed that he was never in the country of China, and that Mr.
13 Burum's American Express bills, which the Defendants subpoenaed, showed that
14 Mr. Burum was in the City of Palm Springs, California, at the exact same time that
15 Ms. Gonzales testified under oath that he was in China. Notably, Defendants
16 ignored this evidence gathered during the criminal investigation.

17 72. Defendants also purported to rely on the testimony of Adam Aleman.
18 Mr. Aleman had reached a deal the Defendants to testify in the criminal case. Mr.
19 Aleman pled guilty to perjury and several other felonies in exchange for his
20 testimony before the grand jury and at trial. Whatever Mr. Aleman might have said
21 about the other targets of the investigation and prosecution, Mr. Aleman did not ever
22 provide any testimony that would incriminate Mr. Biane in particular. As previously
23 noted, not one witness and one not piece of evidence that was presented to the grand
24 jury or at the criminal trial incriminated Mr. Biane in any way.

25 73. The fact that "Team Justice" plowed ahead with the investigation and
26 prosecution of Mr. Biane, despite the foregoing absence of incriminating evidence,
27 further underscores the politically motivated character of this campaign. Defendants,
28

1 who were members of “Team Justice,” integrally participated in this frame-up of
2 Mr. Biane and others.

3 74. Upon information and belief, during the period of time when Mr.
4 Brown was functioning as an informant, he retrieved and provided Defendants with
5 confidential and privileged information relating to the real estate activities of Mr.
6 Biane and his family members. These illegal searches were directed at information
7 that was not plausibly related in any way to the investigation. These illegal searches,
8 orchestrated by Defendants, were an attempt to uncover “dirt” on Mr. Biane that
9 could be used to discredit him. Upon information and belief, the material that was
10 obtained in this manner made its way via Defendants into the newspapers, where it
11 was used to try to embarrass and humiliate Mr. Biane.

12 75. As noted above, Defendants’ campaign included meddling in the
13 electoral process. In 2010, Mr. Biane was narrowly defeated for re-election. During
14 the campaign, his opponent, Janice Rutherford, distributed campaign mailers that
15 emphasized that Mr. Biane was the target of a criminal investigation. With the
16 shadow of this malicious criminal investigation over his head, Mr. Biane was
17 narrowly defeated for re-election.

18 76. San Bernardino County Counsel was obligated to provide legal advice
19 to the board, of which Mr. Biane was a member at the time the investigation began.
20 However, County Counsel violated its ethical and professional obligations by
21 conspiring with Defendants against the board, in an effort to reverse the settlement
22 and destroy the careers of those board members who had voted in favor of it. These
23 efforts included disclosing confidential and privileged material to Defendants. Upon
24 information and belief, this conflicted and unprofessional activity was encouraged
25 by the Defendants.

26 77. The County Counsel’s office refused to provide Mr. Biane with a
27 defense in his criminal case. Accordingly, Mr. Biane was forced to spend large sums
28 of his own resources, including campaign resources as well as personal resources, to

1 finance his own legal defense. The huge cost of legal representation further
2 contributed to Mr. Biane's defeat in the 2010 elections. As a result of having to pay
3 these costs, he had fewer resources with which to conduct his campaign. In the year
4 2010, as noted above, the investigation as to Mr. Biane was still in its fact-gathering
5 and investigatory phase.

6 78. In the manner described above, the Defendants used their respective
7 powers as public servants, under color of law, to carry out a vendetta and destroy
8 Mr. Biane's career and reputation. Mr. Biane contends that this conduct caused
9 substantial and lasting harm and violated his constitutional rights.

10 79. Each of the individual Defendants either engaged in the conduct
11 described in this complaint, integrally participated in the conduct, ratified the
12 conduct, or failed to intervene when a reasonable opportunity existed to do so.

13 **FIRST CLAIM FOR RELIEF**

14 **MALICIOUS PROSECUTION – 42 U.S.C. 1983**

15 **(Against Ramos, Cope, Randles, and Schreiber)**

16 80. Mr. Biane re-alleges and incorporates by reference each allegation
17 contained in the above paragraphs as though fully set forth herein.

18 81. At all relevant times, Defendants Ramos, Cope, Randles, and Schreiber
19 (collectively, the "Individual Defendants"), who referred to themselves as "Team
20 Justice," were acting under color of law.

21 82. As alleged above, the criminal investigation and the criminal
22 prosecution of Mr. Biane were undertaken based on personal enmity, political
23 opportunism, and the pursuit of partisan advantages. Mr. Biane was targeted because
24 he had cast a lawful vote in favor of the Colonies settlement, which it was his every
25 right to cast. While the political donation that provided the pretext for Mr. Biane's
26 persecution was not actually made to Mr. Biane, Mr. Biane nevertheless has a right
27 to receive political donations from his constituents. Under the circumstances set
28

1 forth above, the Individual Defendants targeted, investigated, and prosecuted an
2 innocent person who was engaged in constitutionally protected activity.

3 83. Defendants Randles and Schreiber were the lead investigators for the
4 Public Integrity Unit in the District Attorney's Office working under the supervision
5 of Defendants Ramos and Cope throughout the criminal investigation and
6 subsequent prosecution. Defendant Randles testified during the jury trial in 2017
7 that he believed that the settlement in the Colonies lawsuit was outrageous and
8 egregious based solely upon the fact that the amount of the settlement was \$102
9 million dollars. Defendant Randles' testimony left the distinct impression that he
10 believed that criminal activity must have been involved in the settlement due to the
11 dollar amount of the settlement. This testimony prompted the trial judge in the
12 criminal jury trial in 2017 to ask Defendant Randles, while he was on the witness
13 stand with the jury present, *when* Defendant Randles and the Public Integrity Unit
14 began to suspect that something was amiss due to the dollar amount of the
15 settlement. Defendant Randles admitted to the trial judge that his suspicions began
16 in December of 2006, a few weeks after the \$102-million dollar settlement was
17 reached in November of 2006.

18 84. Defendant Randles testified at the criminal jury trial in 2017 that "I
19 don't know a lot about the facts" of the Colonies civil litigation, and that he had
20 never read the opinions of the judges who were involved in hearing the civil
21 litigation. Defendant Randles had never read nor understood that the appraisal of the
22 Colonies' land that had been taken by the County was over \$100 million.
23 Considering that the investigation was initiated because of the settlement, this was
24 an admission that the Defendants' investigation was not a response to suspected
25 criminal activity, but personal animosity and the desire for retribution.

26 85. The actions and the conduct of Ramos, Cope, Randles, and Schreiber
27 caused Plaintiff Mr. Biane to be wrongfully prosecuted.
28

1 86. The actions of Ramos, Cope, Randles, and Schreiber have resulted in
2 the destruction of Mr. Biane's promising political career. He has lost business,
3 professional, and political opportunities. He has suffered emotional distress. For six
4 long years, he was mired in criminal litigation. He has incurred the cost of hiring
5 lawyers. His name and reputation have been dragged through the mud. He seeks the
6 full range of allowable remedies, including compensatory damages in every
7 available category.

8 87. The actions and the conduct of Ramos, Cope, Randles, and Schreiber
9 was willful, wanton, malicious, retaliatory, and with reckless disregard for the rights
10 of Mr. Biane and does therefore justify the imposition of exemplary and punitive
11 damages as to each of them.

12 88. Plaintiff brings this claim individually and seeks compensatory
13 damages as well as attorney fees under 42 U.S.C. § 1988.
14

15 **SECOND CLAIM FOR RELIEF**

16 **RETALIATION – 42 U.S.C. 1983**

17 **(Against Ramos, Cope, Randles, and Schreiber)**

18 89. Mr. Biane re-alleges and incorporates by reference each allegation
19 contained in the above paragraphs as though fully set forth herein.

20 90. At all relevant times, Ramos, Cope, Randles, and Schreiber were acting
21 under color of law.

22 91. Mr. Biane's public endorsement of the settlement with Colonies, his
23 criticism of the County's actions, his vote in favor of the Colonies settlement and his
24 alleged receipt of political donations, together with all of his other actions relevant
25 to this case, was constitutionally protected. Ramos, Cope, Randles, and Schreiber
26 retaliated against Mr. Biane for exercising these rights in the manner described
27 above.
28

1 92. Among the many improper and wrongful motives of Defendants
2 Ramos, Cope, Randles, and Schreiber was a desire to punish Mr. Biane for
3 exercising his rights. This conduct was inextricably connected and bound up with
4 the malicious investigation and prosecution of Plaintiff, as alleged above.

5 93. As stated above, the actions of the Defendants have resulted in the
6 destruction of Mr. Biane's promising political career. He has lost business,
7 professional, and political opportunities. He has suffered emotional distress. For six
8 long years, he was mired in criminal litigation. He has incurred the cost of hiring
9 lawyers. His name and reputation have been dragged through the mud. He seeks the
10 full range of allowable remedies, including compensatory damages in every
11 available category.

12 94. The actions and the conduct of the Defendants Ramos, Cope, Randles,
13 and Schreiber was willful, wanton, malicious, retaliatory, and with reckless
14 disregard for the Constitutional rights of Mr. Biane and does therefore justify the
15 imposition of exemplary and punitive damages as to each of them.

16 95. Plaintiff brings this claim individually and seeks compensatory
17 damages as well as attorney fees under 42 U.S.C. § 1988.

18 **THIRD CLAIM FOR RELIEF**

19 **FABRICATION OF EVIDENCE – 42 U.S.C. 1983**

20 **(Against Randles and Schreiber)**

21 96. Mr. Biane re-alleges and incorporates by reference each allegation
22 contained in the above paragraphs as though fully set forth herein.

23 97. At all relevant times, Defendants Randles and Schreiber were acting
24 under color of law.

25 98. Defendants Randles and Schreiber knew or reasonably should have
26 known that Mr. Biane was innocent. Nevertheless, these two defendants conducted
27 their investigation in a manner designed to convict an innocent person, including by
28 eliciting false testimony and cobbling together material that would supposedly

1 incriminate Mr. Biane and others. This “evidence” included without limitation the
2 unreliable or false statements and testimony of Mr. Postmus, Mr. Aleman, Ms.
3 Gonzales, and Defendant Randles.

4 99. Defendants Randles and Schreiber continued the criminal investigation
5 of Mr. Biane even though they knew or reasonably should have known that Mr.
6 Biane was innocent of all of the alleged criminal activity. Defendants Randles and
7 Schreiber were intentionally indifferent to the innocence of Plaintiff Mr. Biane.

8 100. Defendants Randles and Schreiber used tactics that were coercive and
9 abusive such that they knew, or were intentionally indifferent to, the fact that such
10 tactics would produce false and inherently unreliable information and evidence, and
11 that such information and evidence would be used to get an indictment against Mr.
12 Biane. They also intentionally failed to verify the fabricated and unbelievable
13 testimony of Ms. Gonzales, among others. This conduct was inextricably connected
14 and bound up with the malicious targeting of Plaintiff, as alleged above.

15 101. As stated above, the actions of the Defendants have resulted in the
16 destruction of Mr. Biane’s promising political career. He has lost business,
17 professional, and political opportunities. He has suffered emotional distress. For six
18 long years, he was mired in criminal litigation. He has incurred the cost of hiring
19 lawyers. His name and reputation have been dragged through the mud. He seeks the
20 full range of allowable remedies, including compensatory damages in every
21 available category.

22 102. The actions and the conduct of the Defendants Randles and Schreiber
23 was willful, wanton, malicious, retaliatory, and with reckless disregard for the
24 Constitutional rights of Mr. Biane and does therefore justify the imposition of
25 exemplary and punitive damages as to each of them.

26 103. Plaintiff brings this claim individually and seeks compensatory
27 damages as well as attorney fees under 42 U.S.C. § 1988.

28 **FOURTH CLAIM FOR RELIEF**

MUNICIPAL LIABILITY – 42 U.S.C. 1983

(Against Defendant County)

104. Mr. Biane re-alleges and incorporates by reference each allegation contained in the above paragraphs as though fully set forth herein.

105. When considered as the only evidence of a crime, the fact that an elected official received a political donation is not sufficient to support reasonable suspicion or probable cause. Nor is the fact that a settlement with a public entity is particularly large evidence that a crime has taken place.

106. Under the framework that was invoked in Mr. Biane's prosecution, it was alleged that the mere fact that a donation was made to a politician by a person who benefited from that politician's actions was sufficient to establish a crime. Mr. Biane contends that the use of this framework in connection with criminal investigations, incarcerations, and prosecutions constitutes an unconstitutional custom, policy, or practice. These flimsy allegations hid the true motive for the investigation, which was to punish Mr. Biane for his speech his vote, which embarrassed powerful factions within the County.

107. Defendants knew or should have known that this rationale in Mr. Biane's case was unsound and that Mr. Biane was innocent. Defendants also knew or should have known that investigating an individual in retaliation for constitutionally-protected activity is unlawful. Nevertheless, the County continued to sanction and ratify the conduct of Defendants in this case.

108. Mr. Biane further alleges that the County failed to adequately train and supervise Defendants. Here, Defendant Randles was assigned a case involving issues that were clearly above his level of education, training, knowledge, experience, and ability. His investigation method – which consisted in deducing from the large value of the settlement that criminal activity must have been afoot – clearly demonstrates that this case was above his head. Reasonable measures do not appear to have been taken to oversee the investigation or to ascertain whether

1 innocent people such as Mr. Biane were being unfairly targeted, especially given the
2 absence of any objective corroborating evidence pointing to Mr. Biane's guilt.

3 109. The Defendants employed by the County do not appear to have been
4 disciplined, retrained, or terminated following the spectacular catastrophe of the
5 criminal trial and the acquittal of all of the targets of the campaign on all charges.
6 Instead, upon information and belief, the County has ratified and approved of all of
7 the actions taken by its employees in this case.

8 110. The Defendant County permitted, maintained, and allowed, the
9 following conduct, without limitation:

10 A. The District Attorney's Office for the County of San Bernardino
11 deployed public employees and resources in a politically-charged criminal
12 investigation without the regard for reliable and credible exculpatory evidence;

13 B. The Defendant County's employees in the District Attorney's Office
14 conducted searches in furtherance of these criminal investigations, which were used
15 to embarrass, punish, and harass;

16 C. District Attorney's Office used its powers to target and punish free
17 speech and other conduct that is protected by the United States Constitution through
18 a wrongful criminal investigation and prosecution.

19 D. The Public Integrity Unit of the District Attorney's Office employed
20 investigators who were dedicated to working on the Public Integrity Unit's
21 investigations, undermining the important checks and balances between the
22 investigators and the prosecutors;

23 E. District Attorney's Office and other County employees pursued a
24 criminal investigation and prosecution that was intended to embarrass, punish, and
25 harass Mr. Biane and others for exercising their rights.

26 111. At all relevant times, Defendant Ramos was an official with final
27 policymaking authority as it relates to the District Attorney's Office and the criminal
28 investigations that are undertaken and maintained by the District Attorney's Office.

1 The actions of the County Defendants as alleged herein were undertaken with the
2 willful, affirmative, and conscious approval of Mr. Ramos.

3 112. For the reasons above, Plaintiff brings this additional claim for relief
4 against the County for (1) an unconstitutional custom and practice; (2) ratification;
5 and (3) inadequate supervision, a policy of inaction, and failure to train.

6 113. As stated above, the actions of the Defendants have resulted in the
7 destruction of Mr. Biane's promising political career. He has lost business,
8 professional, and political opportunities. He has suffered emotional distress. For six
9 long years, he was mired in criminal litigation. He has incurred the cost of hiring
10 lawyers. His name and reputation have been dragged through the mud. He seeks the
11 full range of allowable remedies, including compensatory damages in every
12 available category.

13 114. The actions and the conduct of the Defendants Ramos, Cope, Randles,
14 and Schreiber was willful, wanton, malicious, retaliatory, and with reckless
15 disregard for the Constitutional rights of Mr. Biane and does therefore justify the
16 imposition of exemplary and punitive damages as to each of them.

17 115. Plaintiff brings this claim individually and seeks compensatory
18 damages as well as attorney fees under 42 U.S.C. § 1988.

19 **FIFTH CLAIM FOR RELIEF**

20 **SUPERVISORY LIABILITY – 42 U.S.C. 1983**

21 **(Against Ramos and Cope)**

22 116. Mr. Biane re-alleges and incorporates by reference each allegation
23 contained in the above paragraphs as though fully set forth herein.

24 117. On the basis of information and belief, and on the basis of the fact that
25 Defendant Ramos was the District Attorney for the County of San Bernardino at all
26 times relevant herein, Plaintiff alleges that the Defendant Ramos supervised
27 Defendants Cope, Randles, and Schreiber regarding their actions and their conduct
28 as alleged herein. As the District Attorney for the County of San Bernardino, and as

1 their supervisor, Defendant Ramos knew or should have known of the actions and
2 omissions described above. Defendant Ramos did not take steps to prevent and to
3 stop said action and conduct. The failure by Defendant Ramos to take the steps to
4 prevent and to stop this conduct resulted in the deprivation of, and the interference
5 with, the lawful exercise of the rights of Mr. Biane.

6 118. Upon information and belief, Defendant Cope supervised the
7 Defendants Randles and Schrieber with regard to their actions and conduct as
8 alleged herein. Defendant Cope headed the "Public Integrity Unit" and directly
9 observed Defendant Randles and Schrieber's coercive and illegitimate techniques.
10 In this capacity, Defendant Cope knew or should have known of the actions and
11 omissions described above. Defendant Cope did not take steps to prevent and to stop
12 said action and conduct. The failure by Defendant Cope to take the steps to prevent
13 and to stop this conduct resulted in the deprivation of, and the interference with, the
14 lawful exercise of the rights of Mr. Biane.

15 119. The Defendant's supervisory conduct as alleged herein was so closely
16 related and connected to the deprivation of the rights of Mr. Biane under the United
17 States Constitution as to be the moving force that caused the resulting injuries to Mr.
18 Biane. Each of the Individual Defendants was acting under the color of law.

19 120. As stated above, the actions of the Defendants have resulted in the
20 destruction of Mr. Biane's promising political career. He has lost business,
21 professional, and political opportunities. He has suffered emotional distress. For six
22 long years, he was mired in criminal litigation. He has incurred the cost of hiring
23 lawyers. His name and reputation have been dragged through the mud. He seeks the
24 full range of allowable remedies, including compensatory damages in every
25 available category.

26 121. The actions and the conduct of the Defendants Ramos, Cope, Randles,
27 and Schreiber was willful, wanton, malicious, retaliatory, and with reckless
28

1 disregard for the Constitutional rights of Mr. Biane and does therefore justify the
2 imposition of exemplary and punitive damages as to each of them.

3 122. Plaintiff brings this claim individually and seeks compensatory
4 damages as well as attorney fees under 42 U.S.C. § 1988.

5 **SIXTH CLAIM FOR RELIEF**

6 **CONSPIRACY – 42 U.S.C. 1983**

7 **(Against Against Ramos, Cope, Randles, and Schreiber)**

8 123. Mr. Biane re-alleges and incorporates by reference each allegation
9 contained in the above paragraphs as though fully set forth herein.

10 124. Ramos, Cope, Randles, and Schreiber formed a combination of two or
11 more persons acting in concert to commit the individual acts described in this
12 complaint, the primary and principal element and objective was the agreement
13 amongst among them to retaliate against, damage, and prosecute Mr. Biane and
14 others for exercising their lawful rights.

15 125. Ramos, Cope, Randles, and Schreiber conspired, combined, colluded,
16 and/or agreed to act in concert to wrongfully initiate and pursue the criminal
17 investigation of Mr. Biane and others, and to obtain indictments against them, and to
18 prosecute them for multiple serious felony crimes in a lengthy criminal jury trial.
19 This conspiracy was bound up with numerous wrongful motives, including political
20 opportunism, private advantage, personal enmity, and retaliation against Mr. Biane
21 and others for exercising their rights. The Defendants performed overt acts in
22 furtherance of the conspiracy as alleged herein.

23 126. The Defendants' conspiracy was the proximate cause of the campaign
24 against Mr. Biane and the deprivation of his rights.

25 127. As stated above, the actions of the Defendants have resulted in the
26 destruction of Mr. Biane's promising political career. He has lost business,
27 professional, and political opportunities. He has suffered emotional distress. For six
28 long years, he was mired in criminal litigation. He has incurred the cost of hiring

1 lawyers. His name and reputation have been dragged through the mud. He seeks the
2 full range of allowable remedies, including compensatory damages in every
3 available category.

4 128. The actions and the conduct of the Defendants Ramos, Cope, Randles,
5 and Schreiber was willful, wanton, malicious, retaliatory, and with reckless
6 disregard for the constitutional rights of Mr. Biane and does therefore justify the
7 imposition of exemplary and punitive damages as to each of them.

8 129. Plaintiff brings this claim individually and seeks compensatory
9 damages as well as attorney fees under 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and requests entry of judgment in his favor and against all defendants as follows:

- A. General and compensatory damages in an amount according to proof;
- B. Special damages in an amount according to proof;
- C. Exemplary and punitive damages against Ramos, Cope, Randles, and Schreiber, in an amount according to proof;
- D. Costs of suit;
- E. Attorney fees under 42 U.S.C. § 1988; and
- F. Such other relief as may be warranted or as is just and proper.

DATED: October 15, 2018

LAW OFFICES OF DALE K. GALIPO

By /s/ Dale K. Galipo

Dale K. Galipo
Attorney for Plaintiff

